



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Yafuso et al.

Serial No.: 09/881,410

Filed: June 14, 2001

) For: METHOD AND APPARATUS FOR
) PROVIDING A PRIVATE
) COMMUNICATION SYSTEM IN A
) PUBLIC SWITCHED TELEPHONE...
) Examiner: Dang T. Ton
)
) Group Art Unit: 2666

**PETITION UNDER 37 C.F.R. §1.183 PURSUANT TO MPEP 1414.01
AND STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF
OF NON-SIGNING INVENTOR PURSUANT TO MPEP §409.03(d)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PETITION

RECEIVED

SEP 24 2004

Technology Center 2000

After diligent efforts on the part of Applicant, Applicant is unable to locate one of the inventors, Erik Lekven.

Applicants respectfully request waiver of the signature requirement for the inventor, Erik Lekven under 37 C.F.R. § 1.183. The following statements of fact are made, in accordance with MPEP 409.03(d).

STATEMENT OF FACTS ESTABLISHING LACK OF SIGNATURE OF AN INVENTOR

Applicant left a voicemail message the week of August 9th and did not receive a return phone call.

Applicant left a voicemail message the week of August 23rd and did not receive a return phone call.

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Applicant mailed Declaration to Inventor by overnight mail on September 10, 2004 and enclosed a postage paid self addressed envelope so the Declaration could be returned. The Declaration has not been returned.

Applicant attempted to locate a new address and/or phone number on September 15, 2004 by contacting the Human Resources Department and searching the internet and could locate only the same address and phone numbers.

The last known address Applicant has for Erik Lekven is:

1655 Calliandra Rd.
Carlsbad, CA 92009

The last known phone number Applicant has for Erik Lekven is:

(760) 632-9518

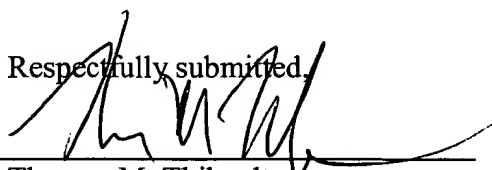
It is therefore submitted that the failure of Erik Lekven to respond after being presented with phone calls and the Reissue Declaration itself constitutes Applicant being unable to locate inventor. Applicants respectfully request to proceed with the subject reissue application. Each of the other joint inventors have signed the Reissue Declaration which is being submitted concurrently herewith.

The Commissioner is hereby authorized to charge the petition fee of \$130.00 and any additional fees which may be required to Deposit Account No. 17-0026.

Dated: September 17, 2004

Respectfully submitted,

By:


Thomas M. Thibault
Attorney for Applicants
Registration No. 42,181

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, Ca 92121
Telephone: (619) 651-1306
Facsimile: (619) 845-5075